

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions and listings of claims in the application:

1. (Previously presented): A communication apparatus for communicating over a plurality of channels, the apparatus comprising:

notifying unit configured to notify a connected another communication apparatus of a number of usable channels based on a negotiation between the communication apparatus and a relay station being connected to the communication apparatus;

detecting unit configured to detect a number of usable channels based on a negotiation between the connected another communication apparatus and a relay station being connected to the connected another communication apparatus; and

selecting unit configured to select a communication rate based on the notifying number of usable channels and the detected number of usable channels.

2. (Previously presented): The communication apparatus according to claim 1, wherein the selecting unit selects the communication rate based on the notifying number.

3. (Previously presented): The communication apparatus according to claim 1, wherein the selecting unit selects the communication rate based on the detected number.

4. (Previously presented): The communication apparatus according to claim 1, wherein the notifying unit sets the notifying number of usable channels in

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control information being transmitted to the connected another communication apparatus.

5. (Previously presented): The communication apparatus according to claim 1, wherein the detecting unit detects the number of the channels in control information being received from the connected another communication apparatus.

6. (Previously presented): A method in a communication apparatus for communicating over a plurality of channels, the method comprising:

notifying a connected another communication apparatus of a number of usable channels based on a negotiation between the communication apparatus and a relay station being connected to the communication apparatus;

detecting a number of useable channels based on a negotiation between the connected another communication apparatus and a relay station being connected to the connected another communication apparatus; and

selecting a communication rate based on the notifying number of usable channels and the detected number of usable channels.

7. (Canceled):

8. (Canceled):

9. (Canceled):

10. (Canceled):

11. (Previously presented): The method according to claim 6, wherein the communication rate is selected based on the notifying number.

12. (Previously presented): The method according to claim 6, wherein the communication rate is selected based on the detected number.

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13. (Previously presented): The method according to claim 6, wherein the notifying number of usable channels is set in control information being transmitted to the connected another communication apparatus.

14. (Previously presented): The method according to claim 6, wherein the detecting number is set in control information being received from the connected another communication apparatus.

15. (Previously presented): The method according to claim 6, wherein a number of usable channels assigned by a relay station being connected to the communication apparatus is notified to the connected another communication apparatus.

16. (Previously presented): The method according to claim 6, wherein a number of usable channels set by the communication apparatus is notified to the connected another communication apparatus.

17. (Previously presented): The method according to claim 6, wherein a number of usable channels assigned by a relay station is detected, the relay station being connected to the connected another communication apparatus.

18. (Previously presented): The method according to claim 6, wherein a number of usable channels set by the connected another communication apparatus is detected.

19. (Previously presented): The communication apparatus according to claim 1, wherein the notifying unit notifies the connected another communication apparatus of a number of usable channels assigned by a relay station being connected to the communication apparatus.

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20. (Previously presented): The communication apparatus according to claim 1, wherein the notifying unit notifies the connected another communication apparatus of a number of usable channels set by the communication apparatus.

21. (Previously presented): The communication apparatus according to claim 1, wherein the detecting unit detects a number of usable channels assigned by a relay station being connected to the connected another communication apparatus.

22. (Previously presented): The communication apparatus according to claim 1, wherein the detecting unit detects a number of usable channels set by the connected another communication apparatus.

23. (Previously presented): A control unit in a communication apparatus for communicating over a plurality of channels, the apparatus comprising:

notifying unit configured to notify a connected another communication apparatus of a number of usable channels based on a negotiation between the communication apparatus and a relay station being connected to the communication apparatus;

detecting unit configured to detect a number of usable channels based on a negotiation between the connected another communication apparatus and a relay station being connected to the connected another communication apparatus; and

selecting unit configured to select a communication rate based on the notifying number of usable channels and the detected number of usable channels.

24. (Previously presented): The control unit according to claim 23, wherein the selecting unit selects the communication rate based on the notifying number.

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25. (Previously presented): The control unit according to claim 23, wherein the selecting unit selects the communication rate based on the detected number.

26. (Previously presented): The control unit according to claim 23, wherein the notifying unit set the notifying number of usable channels in control information being transmitted to the connected another communication apparatus.

27. (Previously presented): The control unit according to claim 23, wherein the detecting unit detects the number of the channels in control information being received from the connected another communication apparatus.

28. (New): A communication apparatus for communicating over a plurality of channels, the apparatus comprising:

notifying unit configured to notify a connected another communication apparatus of a first number of usable channels based on a first negotiation between the communication apparatus and a first relay station being connected to the communication apparatus;

detecting unit configured to detect a second number of usable channels based on a second negotiation between the connected another communication apparatus and a second relay station being connected to the connected another communication apparatus; and

selecting unit configured to select a communication rate based on the first number of usable channels and the second number of usable channels.

29. (New): The method of claim 28, wherein the first relay is the second relay.

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Adopted